



**WEST VIRGINIA
DIVISION OF
JUVENILE SERVICES**

POLICY NUMBER:

150.00

PAGES:

4

CHAPTER:

**Administration and
Management**

REFERENCE AND RELATED STANDARDS:

WV Code Chapter §49-2-903; ACA 3-JDF-1C-05-2 and 2F-02; Americans with Disabilities Act of 1990 and Amendments; W.Va. Human Rights Act §5-11-1 et seq., Rehabilitation Act of 1973; EEOC Uniform Guidelines; W. Va. White Cane Law §5-15-7; Worker's Compensation Act W. Va. Code §23-1-1 et seq.

SUBJECT: Americans with Disabilities Act (ADA)

DATE: January 1, 2017

PURPOSE

The West Virginia Division of Juvenile Services is committed to the fair and equal employment and access to its facilities for all people with disabilities accomplished through reasonable accommodations, when necessary.

CANCELLATION

This policy has been revised and supersedes Policy 150.00 dated October 1, 2007.

APPLICABILITY

This Policy applies to all Division of Juvenile Services' facilities/centers/offices.

DEFINITIONS

1. **Disability:** A physical or mental impairment that substantially limits one or more of a person's major life activities, a person who has a history of such an impairment, or a person who is perceived by others as having such an impairment.
2. **Qualified Individual with a Disability:** A qualified individual with a disability means an individual with a disability who satisfies the requisite skill, experience, education, and other job-related requirements for the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the functions of such position.

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3. **Reasonable Accommodation:** For the purpose of this policy, a modification or adjustment either in the way work is customarily done, or in the work environment, permitting an employee to continue to perform the essential functions of a job. Accommodations may include specialized equipment, facility modifications, and adjustments to work schedules or job duties.
4. **Undue Hardship:** An action that if granted as an accommodation would require significant difficulty or expense when considered in light of the following actors:
 - a. The nature and cost of the accommodation;
 - b. The overall financial resources of the agency's involved in the provision of the reasonable accommodations;
 - c. The number of employees affected by the accommodation; and
 - d. The impact of such accommodation upon the operation of the agency.

PROCEDURES

1. The Division prohibits discrimination against qualified individuals with mental or physical disabilities in job application procedures, selection, discipline and termination, advancement, compensation, job training, and other terms and conditions of employment.
2. The Division will comply with the ADA Amendments Act. Refer to the Department of Justice's ADA website for full information regarding the Act and its implications for employees and managers: www.ada.gov.
3. The Division shall accommodate qualified individuals with disabilities unless the accommodation is unreasonable and would impose an undue hardship on the Division or hinder the safety of oneself and/or others. The Division will consider requests for accommodations for qualified individuals with disabilities when the accommodations are directly related to performing the essential functions of a job, competing for a job, or to enjoy equal benefits and privileges of employment.
4. Reasonable Accommodations
 - a. Employees who meet the criteria for ADA may request reasonable accommodations, if necessary, to perform the essential functions of the job.
 - b. Requesting an Accommodation:

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- i. An employee with a qualifying disability should discuss the need for any reasonable accommodations with their immediate supervisor or their Facility Superintendent/Director, YRC Program Director or Central Office Department Director.
 - ii. If a supervisor receives a request for a reasonable accommodation, the supervisor should discuss the need with his or her Facility Superintendent/Director, YRC Program Director or Central Office Department Director to determine the extent to which any accommodation may be made. No formal commitment to the accommodation request will be made at this time.
 - iii. The Facility Superintendent/Director, YRC Program Director or Central Office Department Director may determine a need to request medical information from the employee if the disability is not obvious and/or additional information is needed to determine if the employee can perform the essential functions of the job. If it is determined that the need for documentation exists the request for accommodation cannot proceed without it.
 - iv. The immediate supervisor, Facility Superintendent/Director or YRC Program Director and Legal Department will make a determination based on the information provided.
 - v. Reasonable accommodation provisions will be reviewed with the Division Director for final approval. If approval is given, the supervisor and/or the Facility Superintendent/Director, YRC Program Director or Central Office Department Director, or designee, will discuss the reasonable accommodation with the employee.
 - vi. An individual with a disability will not be required to accept the accommodation.
 - vii. The employee must perform the essential functions of his/her position, whether he/she chooses to accept the accommodation or not.
- c. An employee who has a record of having an impairment is an employee who had an actual disability in the past but is no longer disabled. This includes an impairment that is episodic or in remission if it would substantially limit a major life activity when active. Accommodations given for this type of disability will be reviewed on an as-needed basis.
 - d. The availability to work any shift shall be an essential function, and, therefore, DJS shall not honor requests for relief from any particular shift for staff in safety sensitive positions.
 - e. The availability to work mandatory overtime shall be an essential function, and, therefore, DJS shall not honor requests for relief from mandatory overtime due to restrictions.

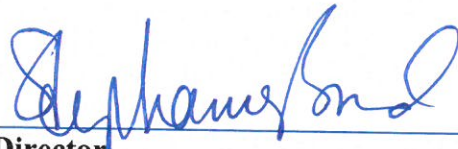
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5. This policy will be adopted in its entirety and no operational procedure will be developed.

RIGHTS RESERVED

The Director reserves the right to modify, suspend or cancel any provision herein in part or entirety, without advance notice, unless prohibited by law.

APPROVED:


Director


Date